

John J. Lindegren

<p>1 IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON EUGENE DIVISION</p> <p>NICHOLAS JAMES MCGUFFIN, as) an individual and as) guardian ad litem, on) behalf of S.M., a minor,) Case No.</p> <p>Plaintiffs,) 6:20-CV-01163-MK vs.) MARK DANIELS, PAT DOWNING,) SUSAN HORMANN, MARY KRINGS,) KRIS KARCHER, SHELLY) MCINNES, RAYMOND MCNEELY,) KIP OSWALD, MICHAEL REAVES,) JOHN RIDDLE, SEAN SANBORN,) ERIC SCHWENNINGER,) RICHARD WALTER, CHRIS) WEBLEY, ANTHONY WETMORE,) KATHY WILCOX, CRAIG ZANNI,) DAVID ZAVALA, JOEL D.) SHAPIRO AS ADMINISTRATOR OF) THE ESTATE OF DAVID E.) HALL, VIDOCQ SOCIETY, CITY) OF COQUILLE, CITY OF) COOS BAY, and COOS COUNTY,) Defendants.) DEPOSITION OF JOHN J. LINDEGREN January 4, 2023 Wednesday 10:38 a.m.</p>	<p>1 (Continuing) 2 3 For Defendants) LAW OFFICE OF ROBERT E. 4 City of Coquille,) FRANZ, JR. 5 City of Coos Bay,) PO Box 62 6 Coos County, Craig) 730 B Street 7 Zanni, Chris) Springfield, Oregon 97477 8 Webley, Eric) (541)741-8220 9 Schwenninger, Sean) rfranz@franzlaw.comcastbiz.net 10 Sanborn, Ray) BY: ROBERT E. FRANZ, JR. 11 McNeely, Kris) (Appeared via telephone) 12 Karcher, Pat) 13 Downing, Mark) 14 Dannels,) 15 Kip Oswald,) 16 Michael Reaves,) 17 David Zavala,) 18 Anthony Wetmore,) 19 Shelly McInnes:) 20 For Defendants) WOOD SMITH HENNING & 21 Vidocq Society and) BERMAN, LLP 22 Richard Walter:) 12755 Southwest 69th Avenue 23 Suite 100) 24 Portland, Oregon 97223) (971)256-4023 25 kschaffer@wshblaw.com) BY: KARIN L. SCHAFFER 18 (Appeared via telephone) 19 For Defendants) OREGON DEPARTMENT OF JUSTICE 20 Oregon State) 100 Southwest Market Street 21 Police, John) Portland, Oregon 97201 22 Riddle, Susan) (971)673-1880 23 Hormann,) jesse.b.davis@doj.state.or.us 24 Mary Krings,) BY: JESSE B. DAVIS 25 Kathy Wilcox:) (Appeared via telephone) 24 Also Present: (None.) 25 Reported By: Denise C. Zito Smith, CSR</p>
<p>1 2 3 THE DEPOSITION OF JOHN J. LINDEGREN 4 was taken at the Coos Bay Public Library, 5 525 Anderson Avenue, in the City of Coos Bay, the 6 State of Oregon, before Denise C. Zito Smith, CSR, 7 Certified Shorthand Reporter, in and for the State 8 of Oregon.</p> <p>9 A P P E A R A N C E S</p> <p>10 For the) MALONEY LAUERSDORF REINER, 11 Plaintiffs:) PC 12 1111 East Burnside Street 13 Suite 300 14 Portland, Oregon 97214 15 (503)245-1518 16 ac@mlrlegalteam.com 17 BY: ANDREW C. LAUERSDORF 18 and 19 MALONEY LAUERSDORF REINER, 20 PC 21 1111 East Burnside Street 22 Suite 300 23 Portland, Oregon 97214 24 (503)245-1518 25 jc@mlrlegalteam.com BY: JANIS C. PURACAL</p> <p>21 (Continuing)</p>	<p>1 2 3 I N D E X 4 5 WITNESS 6 JOHN J. LINDEGREN 7 BY MR. LAUERSDORF 8 BY MR. FRANZ 9 BY MR. DAVIS 10 EXHIBIT 11 No. 1 Oregon State Police Report 12 No. 2 Supplemental Report 13 No. 3 Incident Report 14 No. 4 Photocopies of Photographs 15 No. 5 Marked Photocopies of 16 Photographs 17 No. 6 Incident Report 18 REQUEST FOR PRODUCTION 19 DESCRIPTION 20 (None.) 21 22 INSTRUCTION NOT TO ANSWER 23 DESCRIPTION 24 (None.) 25</p>

John J. Lindegren

1	JOHN J. LINDEGREN,	5
2	having been first duly sworn or affirmed to	
3	testify the truth, the whole truth, and nothing	
4	but the truth, was examined and testified as	
5	follows:	
6		
7	EXAMINATION	
8	BY MR. LAUERSDORF:	
9	Q. Mr. Lindegren, my name is	
10	Andy Lauersdorf. You and I have met once before	
11	today; is that right?	
12	A. That is right, sir.	
13	Q. And you understand that I'm an	
14	attorney representing the plaintiffs in this	
15	matter? This is a lawsuit which is filed by	
16	Mr. McGuffin against the City of Coquille and	
17	former Police Chief Mark Dannels and a number of	
18	other defendants; do you understand that?	
19	A. I do, sir.	
20	Q. And I represent Mr. McGuffin; do you	
21	understand that?	
22	A. I do, sir.	
23	Q. Okay. Can you please state your full	
24	name as given at birth?	
25	A. John James Lindegren,	
6		8
1	L-i-n-d-e-g-r-e-n.	
2	Q. Okay. Have you been known by any	
3	other names or nicknames?	
4	A. None. Well, yeah, a lot of nicknames	
5	probably, but nothing that I can probably say.	
6	Q. How about Big John, does that count as	
7	one?	
8	A. Yes. Big John, Wedge.	
9	Q. Any others that if we were to ask	
10	around about you they might not know you as	
11	Big John, but they would know you as something	
12	else?	
13	A. I don't think so.	
14	Q. Where were you born; place of birth?	
15	A. North Bend.	
16	Q. North Bend, Oregon?	
17	A. Yes, sir.	
18	Q. And what's your date of birth?	
19	A. 7/8/1958.	
20	Q. What's your current address?	
21	A. General delivery, Myrtle Point,	
22	Oregon, is my mailing address. I live up above	
23	Powers right now. No address.	
24	Q. And that's in a trapper shack?	
25	A. Yeah. I'm up there trapping.	
1	Q. And when you say general delivery, is	
2	that a post office box or --	
3	A. Yes, in Myrtle Point, Oregon. That's	
4	where I get any of my mail.	
5	Q. Is there a PO box number there?	
6	A. No, sir.	
7	Q. Okay. Are you currently employed?	
8	A. Yeah, for myself, I guess. A trapper.	
9	Q. Just like as a general contractor or a	
10	handyman?	
11	A. Yeah. I'm a carpenter by trade, a	
12	journeyman level, but right now I'm not pounding	
13	nails. I am catching coyotes for different	
14	property owners that -- yeah, it keeps them away	
15	from their livestock.	
16	Q. And journeyman level, are you union?	
17	A. Not now.	
18	Q. Okay. So we're here today to conduct	
19	your deposition; do you understand that?	
20	A. I do, sir.	
21	Q. And you are here to testify today in	
22	response to a subpoena that you received?	
23	A. That is correct.	
24	Q. I'm going to show you this document.	
25	If you can take a look at that and read it over	

John J. Lindegren

<p style="text-align: right;">133</p> <p>1 Q. Okay. Do you know if Randy Ulmer and 2 Ray McNeely served at the Coquille Police 3 Department at the same time?</p> <p>4 A. I believe so.</p> <p>5 Q. Do you know how long --</p> <p>6 A. No idea. You'd have to ask them.</p> <p>7 Q. Okay. And that interview was 8 recorded?</p> <p>9 A. Yes.</p> <p>10 Q. Was anyone there besides McNeely and 11 possibly Ulmer?</p> <p>12 A. Not that I remember.</p> <p>13 Q. And what specifically did you tell 14 police at that time?</p> <p>15 A. I told him I was over at my sister's 16 house, and I watched the Survivor, and then I left 17 there and I came down. I said I saw two people 18 there, I went home. And they said, Do you know 19 who the people were? And I says, Yeah, I'm 20 relatively absolutely sure it was Leah Freeman.</p> <p>21 Q. And how is it that you're absolutely 22 sure?</p> <p>23 A. I knew her mother and I knew 24 Rich Courtright. I knew Rich, I'd hunted with 25 him, and I knew her mom, and I knew -- I knew</p>	<p style="text-align: right;">135</p> <p>1 A. Oh, over the years several times, I'm 2 sure, because I'd been around those people most of 3 my life.</p> <p>4 Q. Okay. So you knew her family members. 5 How many times did you actually speak 6 with Ms. Freeman?</p> <p>7 A. Leah?</p> <p>8 Q. Yes.</p> <p>9 A. Probably once.</p> <p>10 Q. Where was that?</p> <p>11 A. Can't tell you. I probably -- I 12 talked to her several years earlier.</p> <p>13 Q. So how old was she when you talked to 14 her?</p> <p>15 A. I don't know, 10, 11. Young.</p> <p>16 Q. So by the time you saw the person on 17 North Elm Street, Leah Freeman would have gone 18 through puberty, she would have matured a lot, she 19 looked a little bit different than a ten-year-old; 20 right?</p> <p>21 A. Absolutely.</p> <p>22 Q. So how many times --</p> <p>23 A. But I'm sure I'd seen her around town, 24 not to talk to her, but I knew who she was. I 25 knew who Cory was and knew...</p>
<p style="text-align: right;">134</p> <p>1 quite a few people.</p> <p>2 Q. And I get that, but this is another 3 one of those places where I'm wondering about the 4 distinction between did you know the name? Did 5 you know the family?</p> <p>6 A. I hunted with Rich. So, yeah, I knew 7 him okay. We cut firewood together, we elk hunted 8 together.</p> <p>9 Q. Okay. But did you know her, 10 Leah Freeman?</p> <p>11 A. Are you talking about Leah?</p> <p>12 Q. Freeman.</p> <p>13 A. Oh, I thought you were talking about 14 Mr. Courtright.</p> <p>15 Q. No.</p> <p>16 A. I'm trying to explain to you how I 17 knew her.</p> <p>18 Q. Right. And what you're explaining is 19 you knew her family members --</p> <p>20 A. Right.</p> <p>21 Q. -- and you knew of her?</p> <p>22 A. Yeah. I met her and knew her. I 23 never talked to her or anything, but I had seen 24 her.</p> <p>25 Q. When did you meet her?</p>	<p style="text-align: right;">136</p> <p>1 Q. By 2010 Leah Freeman's picture had 2 been in the paper a lot; right?</p> <p>3 A. I guess so.</p> <p>4 Q. And posters had been posted all over 5 town; right?</p> <p>6 A. Yeah.</p> <p>7 Q. So everybody in town probably knew 8 what Leah Freeman looked like by 2010; is that 9 fair?</p> <p>10 A. Yeah, absolutely fair.</p> <p>11 Q. Okay. And probably same is true with 12 Nick McGuffin; right?</p> <p>13 A. Yeah.</p> <p>14 Q. By 2010 there were a lot of rumors 15 going around that Nick McGuffin had murdered 16 Leah Freeman?</p> <p>17 A. Yeah. Well, I'll tell you just like I 18 told him, I says, I'm absolutely positive almost 19 that it was Leah Freeman that I saw.</p> <p>20 Q. Did you tell him that you were 21 absolutely positive that it was Nick McGuffin you 22 saw?</p> <p>23 A. I did not.</p> <p>24 Q. What did you tell him about --</p> <p>25 A. I said, I think it was. It looked</p>

John J. Lindegren

137	139
<p>1 like him. I said, Good chance of it. I don't 2 know absolutely 100 percent.</p> <p>3 MR. FRANZ: Andy, could you speak a 4 little bit slower and closer? It's hard to hear 5 your question.</p> <p>6 MR. LAUERSDORF: Okay. I'm sorry.</p> <p>7 BY MR. LAUERSDORF:</p> <p>8 Q. So you told McNeely that you weren't 9 sure that it was McGuffin?</p> <p>10 A. I said I wasn't absolutely positive. 11 I thought it was, but I don't know Mr. McGuffin 12 all that well. And I described the individual I 13 saw, and I says, I believe it was, but I don't 14 know.</p> <p>15 Q. Okay. You said you only spoke with 16 Leah Freeman once before she went missing?</p> <p>17 A. Yeah.</p> <p>18 Q. And that was when she was about ten 19 years old?</p> <p>20 A. Yeah.</p> <p>21 Q. Who was with you when you spoke to her 22 at that time?</p> <p>23 A. I don't know. Probably either her 24 Uncle Rich or somebody, you know, somebody in the 25 family, because I just don't necessarily talk to a</p>	<p>1 A. I can't say.</p> <p>2 Q. What was Leah's dad's name?</p> <p>3 A. I don't know. Oh, I do know.</p> <p>4 Denny Freeman.</p> <p>5 Q. How did you know Denny Freeman?</p> <p>6 A. He owned Denny's Pizza.</p> <p>7 Q. Did you know him personally or did 8 you --</p> <p>9 A. I didn't know him personally. I did 10 business with him, and he used to race four-wheel 11 drives. So I knew he had a real hot international 12 Scout with a Pontiac big block in it that was 13 really fast.</p> <p>14 Q. Did you know anything about his 15 relationship with Leah Freeman?</p> <p>16 A. None.</p> <p>17 Q. Did you ever see them together?</p> <p>18 A. If I did, I can't remember.</p> <p>19 Q. What was Leah's sister's name?</p> <p>20 A. Her sister's name?</p> <p>21 Q. Yes.</p> <p>22 A. I have no idea.</p> <p>23 Q. How about her stepmother, what is her 24 stepmother's name?</p> <p>25 A. I have no idea.</p>
138	140
<p>1 young girl on her own.</p> <p>2 Q. Did you and Ms. Freeman go to the same 3 church?</p> <p>4 A. No. I doubt it.</p> <p>5 Q. Can you tell me the names of some of 6 her friends at that time?</p> <p>7 A. I can't tell you. I don't hang out 8 with young girls, so I wouldn't know.</p> <p>9 Q. Right. You would have been, what, 42 10 at the time?</p> <p>11 A. Your guess is as good as mine.</p> <p>12 Probably.</p> <p>13 Q. What was her mom's name?</p> <p>14 A. Corliss. People called her Cory.</p> <p>15 Q. How did you know Cory?</p> <p>16 A. I've known her for a lot of years. A 17 local family. I knew who her dad was and brothers 18 were, I knew her sister. It's a small area.</p> <p>19 Q. Cory's sister?</p> <p>20 A. Yeah.</p> <p>21 Q. When was the last time you talked to 22 Cory Courtright before Leah disappeared?</p> <p>23 A. What, sir?</p> <p>24 Q. When was the last time you spoke with 25 Cory Courtright before Leah disappeared?</p>	<p>1 Q. Do you know names of any of her step 2 siblings?</p> <p>3 A. Don't know.</p> <p>4 Q. How about her uncles, how many uncles 5 does she have?</p> <p>6 A. She has Rich Courtright, and then she 7 has old -- he was an airborne guy. Vietnam. He 8 used to work for the post office. What was his 9 name? Got himself in a little legal trouble, 10 purpose snatching at the --</p> <p>11 Q. Okay.</p> <p>12 A. What was his name? A Vietnam. 101st 13 Airborne, Vietnam. I'm trying to think of it. A 14 referee, a football referee, high school football 15 referee also.</p> <p>16 Q. How about her aunts, do you know any 17 of the names of any of her aunts?</p> <p>18 A. I know a Terri.</p> <p>19 Q. Terri what?</p> <p>20 A. She was married to the guy who worked 21 at the post office who was the Airborne guy.</p> <p>22 Q. How often did you run into Terri 23 before Leah disappeared?</p> <p>24 A. I would see her whenever around town.</p> <p>25 I didn't have a relationship with her in any way.</p>

John J. Lindegren

<p style="text-align: right;">173</p> <p>1 in discovery from the City of Coquille Police. If 2 you want to take a look at the date there under 3 the summary, it says May 18, 2010; is that right?</p> <p>4 A. That's what it says.</p> <p>5 Q. Okay. If you look at the second page 6 of the report, there's an officer's signature 7 there. And up above it it says, "date/officer: 8 6/1/2010, McNeely, Jr." Do you see that?</p> <p>9 A. Right down here (indicating)?</p> <p>10 Q. That's the signature. Up above it 11 there's a -- in print there's a --</p> <p>12 A. Yeah. Date, officer, McNeely, Jr., 13 and the incident number. Yeah, I see it.</p> <p>14 Q. Okay. And so in the report there -- 15 so McNeely is saying -- if you look under "Action 16 Taken" he's saying, "On May 18, 2010, around 17 1352 hours, OSP Detective Teresa Bowersox 18 and I met with John James Lindegren 19 at the Coquille Police Department."</p> <p>20 Does that refresh your recollection at 21 all about what year you met with McNeely?</p> <p>22 A. No. I know I only met with McNeely 23 once or twice, and it was a long time in between.</p> <p>24 Q. Okay. The next -- third paragraph 25 down there, see where it starts, "I asked</p>	<p style="text-align: right;">175</p> <p>1 A. I did.</p> <p>2 Q. -- he said you were walking the dog --</p> <p>3 A. I wasn't.</p> <p>4 Q. -- and there was nothing else.</p> <p>5 And then on the tip sheet that we saw 6 that you said you didn't have anything to do with, 7 nothing was mentioned about Survivor there either.</p> <p>8 So one of the things I'm wondering 9 about is this is now May 2010, this is ten years 10 later?</p> <p>11 A. Yeah.</p> <p>12 Q. What was it that triggered your memory 13 of watching Survivor in 2010?</p> <p>14 A. Something is up with this stuff here 15 that I don't understand. I remember the night, 16 and I remember walking by there, and I remember 17 talking to the cops just a little time after they 18 come out -- my sister came out, I went in, around 19 2000 I remember talking to them. I don't remember 20 talking to them in 2010.</p> <p>21 Q. Okay. Okay.</p> <p>22 A. I only remember talking to them one 23 time, and that was just a week or two or three or 24 whatever, you know, after the disappearance.</p> <p>25 Q. Okay.</p>
<p style="text-align: right;">174</p> <p>1 Lindegren"?</p> <p>2 A. Yeah. "If he remembered anything 3 about the night"?</p> <p>4 Q. Yeah.</p> <p>5 A. Yeah.</p> <p>6 Q. And then he says, "Lindegren heard 7 from someone that Freeman was missing, 8 and he knew he had just seen Freeman 9 with McGuffin the night before by 10 his sister's house."</p> <p>11 But if I understood you correctly 12 earlier, you said you told McNeely that you 13 weren't 100 percent sure it was McGuffin?</p> <p>14 A. Yeah. I told him, I says, you know, I 15 know -- I can relatively say that I knew who 16 Freeman was, but I'm not absolutely positive it 17 was McGuffin.</p> <p>18 Q. Okay. And then on the next line there 19 he says, "Lindegren told me he remembers that 20 night because he was watching the 21 TV show Survivor with his sister."</p> <p>22 Do you see that?</p> <p>23 A. Yeah.</p> <p>24 Q. So one of the things I was wondering 25 about is when you read what Randy Ulmer wrote --</p>	<p style="text-align: right;">176</p> <p>1 A. I don't remember talking to them at 2 any time after that.</p> <p>3 Q. Okay. And do you remember when you 4 started talking to them if you -- or around that 5 time if you actually remembered watching Survivor 6 or if that's something that Jordie told you you 7 guys had done?</p> <p>8 A. I remember watching it.</p> <p>9 Q. Okay. All right.</p> <p>10 So if you go down there, after that it 11 says, "Lindegren's sister still currently lives at 12 551 West 4th Street in Coquille," I guess that's 13 not right, right, because it's 4th Place in 14 Coquille?</p> <p>15 A. Yeah. 551 West 4th Place.</p> <p>16 Q. Right. And she lived there on 17 June 28, 2000?</p> <p>18 A. Yes.</p> <p>19 Q. And then he says, "Lindegren told me 20 he left his sister's house around 21 2100 hours or so and saw Leah Freeman 22 and Nick McGuffin around 2115 hours 23 on June 28th."</p> <p>24 But here's my question. You said 25 earlier that it takes a total of ten minutes to</p>

John J. Lindgren

<p style="text-align: right;">177</p> <p>1 get from your sister's house to your home --</p> <p>2 A. Yeah.</p> <p>3 Q. -- down on West Central.</p> <p>4 So if you left at 2100 hours --</p> <p>5 A. Well, at the end -- what I said was I</p> <p>6 left at the end of Survivor, which was 9:00. I</p> <p>7 pet the dog, I talked to my sister a minute. I</p> <p>8 didn't want to dine and dash. So I probably left</p> <p>9 at ten minutes after 9:00 or even 15 minutes</p> <p>10 after. And from where I saw these people from her</p> <p>11 house is 100 yards.</p> <p>12 Q. Okay. So it would have taken you</p> <p>13 what, one, two minutes to go 100 yards?</p> <p>14 A. Yeah.</p> <p>15 Q. Okay.</p> <p>16 A. So just what I said -- 9:15 might have</p> <p>17 been 9:12, might have been 9:13, might have been</p> <p>18 9:14.</p> <p>19 Q. But when we spoke earlier you made</p> <p>20 that noise, remember (making noise).</p> <p>21 A. Yeah.</p> <p>22 Q. You were (making noise) trying to get</p> <p>23 out of there?</p> <p>24 A. Yeah. I was trying to get out of</p> <p>25 there, but I didn't -- I got out of there as fast</p>	<p style="text-align: right;">179</p> <p>1 (reading): "Officer Webley and I met Lindgren on</p> <p>2 West 4th Street in Coquille by North Elm."</p> <p>3 A. Which officer?</p> <p>4 Q. This is McNeely who's writing the</p> <p>5 report.</p> <p>6 A. Okay.</p> <p>7 Q. He says, "Officer Webley and I" --</p> <p>8 meaning McNeely -- "met Lindgren on West 4th</p> <p>9 Street in Coquille by North Elm.</p> <p>10 Lindgren placed traffic cones</p> <p>11 where he had" --</p> <p>12 A. I remember a woman. I don't remember</p> <p>13 McNeely.</p> <p>14 Q. Okay. Do you remember placing traffic</p> <p>15 cones where --</p> <p>16 A. I remember some traffic cones. I</p> <p>17 don't remember about what they wanted me to do</p> <p>18 with them or anything. I showed up, I did what</p> <p>19 they wanted me to do and left.</p> <p>20 Q. Do you remember if you placed the</p> <p>21 traffic cones or if they placed the traffic cones?</p> <p>22 A. I don't know. I can't say for</p> <p>23 absolute 100 percent.</p> <p>24 Q. Okay. Do you see if you go on there</p> <p>25 it says, "Lindgren placed traffic cones where he</p>
<p style="text-align: right;">178</p> <p>1 as I could.</p> <p>2 Q. Okay.</p> <p>3 A. But I do believe that's a correct</p> <p>4 time, 10 after to 15 after, around in there,</p> <p>5 that's accurate.</p> <p>6 Q. Could it have been as early as 9:00?</p> <p>7 A. No.</p> <p>8 Q. But you said you just basically patted</p> <p>9 the dogs on the head and then left.</p> <p>10 A. Yeah. Wrestled around with them,</p> <p>11 talked with my sister, asking her if she was going</p> <p>12 to work the next day, and then (making noise), out</p> <p>13 the door I went.</p> <p>14 Q. Then down there if you go -- see where</p> <p>15 it starts, "May 19, 2010"?</p> <p>16 A. Yeah.</p> <p>17 Q. So there he says, "May 19, 2010,</p> <p>18 around 1200 hours" --</p> <p>19 A. I don't even remember old Webley</p> <p>20 having much to do with anything.</p> <p>21 Q. Do you remember meeting Webley up on</p> <p>22 North Elm Street?</p> <p>23 A. I remember a woman maybe. I don't</p> <p>24 remember much about this incident right here.</p> <p>25 Q. Okay. Well, he says there that</p>	<p style="text-align: right;">180</p> <p>1 had seen Freeman and McGuffin on</p> <p>2 June 28, 2000, around 2115 hours."</p> <p>3 And there's one more sentence. Then</p> <p>4 after that it says, "Lindgren put himself around</p> <p>5 5 to 7 feet from where Freeman</p> <p>6 and McGuffin were standing."</p> <p>7 Is that --</p> <p>8 A. No. It was farther than that.</p> <p>9 Q. Accurate? Because earlier you said</p> <p>10 25 to 30 feet; right?</p> <p>11 A. It was longer than this room. This</p> <p>12 room is about 16 feet.</p> <p>13 Q. Okay. And he says, "Lindgren</p> <p>14 remembers saying hi to Freeman</p> <p>15 and McGuffin as he passed them."</p> <p>16 A. I may have said hello.</p> <p>17 Q. Okay. But you're not certain?</p> <p>18 A. I'm not sure now.</p> <p>19 Q. Okay.</p> <p>20 A. I know whoever was there never said</p> <p>21 elbow to me.</p> <p>22 Q. Okay. And then he says, "Lindgren</p> <p>23 had me stand in the photo where</p> <p>24 the pickup was parked that night."</p> <p>25 Do you see that last sentence?</p>

John J. Lindegren

<p style="text-align: right;">181</p> <p>1 A. (Reading): "Had me stand in the photo 2 where the pickup was parked that 3 night." Okay.</p> <p>4 Q. Do you remember any of that?</p> <p>5 A. I don't.</p> <p>6 Q. Okay.</p> <p>7 A. This happened May 19, 2010. I can 8 only -- just like I told you before, I can only 9 remember so much about anything that happened 10 earlier than that. I only remember talking to 11 McNeely one time, when my sister said they were 12 looking for me and I went in and they interviewed 13 me, and then I took off and...</p> <p>14 Q. Okay.</p> <p>15 MR. LAUERSDORF: I'm going to have you 16 mark this as Exhibit 4.</p> <p>17 (Deposition Exhibit No. 4 18 marked for identification.)</p> <p>19 BY MR. LAUERSDORF:</p> <p>20 Q. So I've had the court reporter hand 21 you what's been marked as Exhibit 4. And that's 22 the group of photos that we were provided in 23 discovery by I think the Coquille Police 24 Department.</p> <p>25 Have you ever seen any of those photos</p>	<p style="text-align: right;">183</p> <p>1 (reading): "Lindegren had me stand 2 in the photo where the pickup was 3 parked that night."</p> <p>4 Is he standing where the pickup was 5 parked that night?</p> <p>6 A. No. I am standing where the pickup 7 was parked.</p> <p>8 Q. Was the pickup parked in the middle of 9 the road?</p> <p>10 A. It was parked right here on the road, 11 but on the right side of the lane with the grille 12 facing that way (indicating throughout).</p> <p>13 Q. Okay. So the --</p> <p>14 A. I walked around the truck this way.</p> <p>15 Q. With the grille facing towards West 16 4th Place?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And West 4th Place, that white 19 house near the center of the photo, that's on 20 West 4th Place; right?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So the truck was facing that 23 way?</p> <p>24 A. Yes, sir.</p> <p>25 Q. And it was approximately where those</p>
<p style="text-align: right;">182</p> <p>1 before?</p> <p>2 A. I have not.</p> <p>3 Q. Do those photos refresh your 4 recollection about that day at all?</p> <p>5 A. No.</p> <p>6 Q. About the day you were out there with 7 McNeely?</p> <p>8 A. I see the pictures. I don't remember 9 the incident.</p> <p>10 Q. Okay.</p> <p>11 A. On the top picture of number 4 here, I 12 see two cones here, that would be somewhat close 13 to where the pickup was parked.</p> <p>14 Q. Okay.</p> <p>15 A. And I don't know what they --</p> <p>16 Q. You're talking about page 1 of 17 Exhibit 4?</p> <p>18 A. Yes.</p> <p>19 Q. Who's in that photo?</p> <p>20 A. It's me, and I believe it's 21 Mr. McNeely.</p> <p>22 Q. Do you recognize that to be 23 Mr. McNeely?</p> <p>24 A. Yeah.</p> <p>25 Q. And so he says in his report there</p>	<p style="text-align: right;">184</p> <p>1 two cones are?</p> <p>2 A. Yes.</p> <p>3 Q. Did you put those cones there, or did 4 somebody else put those cones there?</p> <p>5 A. I don't think I did. I can't remember 6 much about this at all. I remember something to 7 do with the cones, but I have no idea what.</p> <p>8 Q. Okay. So if we go to page 2 there, 9 that's another photo of the same scene, just kind 10 of taken from further back; right?</p> <p>11 A. Yes. It looks like it to me.</p> <p>12 Q. And is that the driveway you were 13 talking about on the --</p> <p>14 A. This one here, yes.</p> <p>15 Q. Behind the brown truck?</p> <p>16 A. Yeah.</p> <p>17 Q. That's the driveway where you saw the 18 two folks?</p> <p>19 A. When I saw the people.</p> <p>20 Q. And they were further down that 21 driveway?</p> <p>22 A. They were farther up this driveway.</p> <p>23 They were almost to the end of this house.</p> <p>24 Q. Hold on, because that's a different 25 page.</p>

John J. Lindegren

	185		187
1	A. I'm sorry.	1	that about where you saw these two folks for the
2	Q. I want to talk about page 2 right now.	2	first time when you were walking down North Elm
3	A. Okay.	3	Street on --
4	Q. Do you see that tan or beige pickup	4	A. No. I seen them back in the driveway
5	truck there?	5	on the last picture --
6	A. I do.	6	Q. Right. But I mean --
7	Q. Is that the truck?	7	A. Right there stationary. They were
8	A. No.	8	standing. They weren't moving. They were
9	Q. Do you recall that truck being there	9	stationary.
10	on that night?	10	Q. But where were you?
11	A. I don't.	11	A. Walking down this road. I walked
12	Q. How about that blue Buick there?	12	around the truck where McNeely is, because the
13	A. Don't know.	13	truck was parked right here (indicating
14	Q. Do you recall ever seeing that --	14	throughout).
15	A. I never paid attention.	15	Q. Okay.
16	Q. Okay. Do you recall any vehicles	16	A. I went around this way, and went down
17	being parked on the side of the road where McNeely	17	to 4th.
18	is standing in that photo?	18	Q. Okay. So the truck was between you
19	A. No, I don't.	19	and them?
20	Q. Let's go to page 3. That's a good	20	A. Yeah.
21	photo of the driveway?	21	Q. Okay. And so then remember we talked
22	A. Right.	22	about this earlier and I said to you, Did you see
23	Q. That's a carport down at the end of	23	them while you were walking down North Elm Street?
24	the driveway?	24	And you said, No. I didn't see them until I got
25	A. Actually, it's -- yeah, it's a --	25	to the driveway --
	186		188
1	actually, that's a little rental house is what	1	A. Yeah.
2	that is.	2	Q. -- and I looked down the driveway?
3	Q. Okay.	3	So where you're standing there is
4	A. And that little cover over it is a	4	about where the driveway is. So is that about
5	mylar, a roof, a clear roof. And I saw the people	5	where --
6	right here, pretty much at the end of the house or	6	A. Right.
7	maybe a little bit in this direction.	7	Q. So let me finish.
8	Q. Okay. At the end of the house toward	8	Is that about where you were the first
9	where the mylar roof is, or at the end of the	9	time you saw them?
10	house where the mailbox is?	10	A. Yeah. Right where I'm standing there,
11	A. The front house here --	11	yeah, probably really close.
12	Q. Yeah.	12	Q. Okay. And then --
13	A. -- within -- I don't know. Within the	13	A. I was a little more towards where --
14	last window in the end of the house. So that	14	probably where McNeely is.
15	would be about 30 feet.	15	Q. Okay.
16	Q. Okay. So not where the cones are?	16	A. Because the truck was parked here,
17	A. No.	17	right up here.
18	Q. Okay. Then you go to the next page.	18	Q. Where the cones are?
19	That is you and Officer McNeely again; is that	19	A. Yeah.
20	right?	20	Q. Okay. And I'm going to have you
21	A. Yeah.	21	actually draw some things in on the same set of
22	Q. But this view is facing towards West	22	photos, but I'm going to give you a different copy
23	4th Street; right?	23	because we're going to create a new exhibit. So
24	A. Yes. You're right.	24	I'm going to have you draw some things in in a
25	Q. And so where you're standing there, is	25	second, but right now I'm just trying to get a

John J. Lindgren

209	211
<p>1 officers. I do remember with the Gabriel Morris I 2 had an FBI officer.</p> <p>3 Q. Okay. When you talked to Randy Ulmer, 4 did you go to him or did he come to you?</p> <p>5 A. I can't picture me going to go talk to 6 him. He had to come talk to me.</p> <p>7 Q. But you don't remember where you were 8 when you talked to him?</p> <p>9 A. I have no idea, sir.</p> <p>10 Q. Then after you mentioned the FBI 11 officers, he says, "Okay." And you say, "And I 12 told them, and they said, Well, 13 thank you very much. We'll be 14 talking to you. And that was about 15 ten years ago."</p> <p>16 So if I understand correctly what 17 you're telling the grand jury there is that you 18 hadn't talked to anybody in the ten years between 19 when Randy Ulmer talked to you and you're at the 20 grand jury?</p> <p>21 A. Evidently. Yeah, I had very little 22 contact with any cops of any kind, very little. 23 They never showed me pictures of the people, never 24 did a lineup. I thought it was odd.</p> <p>25 Q. Okay.</p>	<p>1 say, "Absolutely."</p> <p>2 A. "Absolutely." I see that.</p> <p>3 Q. Now, line 25 he says, "I'm going to 4 have one of those officers come 5 and tell the grand jury exactly 6 where that was at and so forth."</p> <p>7 Did anybody ever explain to you -- did 8 Frasier ever explain to you why he didn't want you 9 to explain to the grand jury where they were at?</p> <p>10 A. No. I can't even remember testifying 11 there.</p> <p>12 Q. Okay. Do you remember him putting any 13 photos in front of you at the grand jury or 14 anything?</p> <p>15 A. No.</p> <p>16 Q. And nobody ever --</p> <p>17 A. This is the first time I saw any 18 photos.</p> <p>19 Q. Okay. And nobody ever explained to 20 you why he wanted to have the officers explain 21 what you pointed out rather than have you explain 22 what you were pointing out?</p> <p>23 A. Again, I did not have hardly any 24 contact with them for, like, years and years and 25 years --</p>
210	212
<p>1 A. I thought they would do a lineup so I 2 could prove I knew what I was talking about, and 3 never did anything like that. Never did -- didn't 4 talk to me hardly much.</p> <p>5 Q. Did you ask them about that at all?</p> <p>6 A. No. I just figured they know more 7 about cop work than I do. But I'd have done it a 8 lot different.</p> <p>9 Q. Okay. Okay. Then he goes on, and he 10 says in line 14, "Now, earlier this year, the 11 police came back to you and talked 12 with you about that?" And you say, 13 "Absolutely."</p> <p>14 Line 17 it says -- do you see where 15 I'm at?</p> <p>16 A. I see it now.</p> <p>17 Q. I'm at line 17 now. (Reading): "And 18 did they ask you to go with them 19 and point out where you were?"</p> <p>20 "Answer: Yes."</p> <p>21 A. Yeah, I see that.</p> <p>22 Q. Line 20. (Reading): "And did you do 23 that, sir?" And you say, "Yes, sir, 24 I did." "And you showed them exactly 25 where this all occurred?" And you</p>	<p>1 Q. Okay.</p> <p>2 A. -- you know.</p> <p>3 Q. Then if you go down to line 20, one of 4 the grand jurors asks you a question. 5 Apparently --</p> <p>6 A. Number 20?</p> <p>7 Q. Yeah. Apparently it's a female 8 because your answer was, "No, ma'am." But she 9 says, "Do you know what color the pickup was?" 10 And you said, "No, ma'am. See, I 11 had not known -- you know, if I 12 had known something was up, I 13 would have took, you know, mental 14 notes, but I was just heading home."</p> <p>15 A. Uh-huh. I do believe it was brown 16 now, but I could not -- I could not even state 17 100 percent.</p> <p>18 Q. So you believe it's brown now, after 19 reading the police reports we discussed today?</p> <p>20 A. Yeah.</p> <p>21 Q. Okay. But back when you were 22 testifying in front of the grand jury, you didn't 23 know what color it was?</p> <p>24 A. Yeah. And I probably didn't -- to be 25 honest, because it was so -- so immaterial to me,</p>

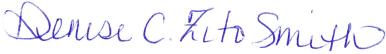
John J. Lindegren

<p style="text-align: right;">229</p> <p>1 Q. Would you like to have seen that 2 before you testified today?</p> <p>3 A. Would I have liked to see it before I 4 testified? No. It doesn't matter. You ask me 5 the questions now, and I will answer them to the 6 best of my ability.</p> <p>7 I can't even remember testifying at 8 the grand jury. I do remember testifying at the 9 trial.</p> <p>10 Q. Do you think that transcript is a fake 11 of your grand jury testimony, or do you think that 12 you just don't --</p> <p>13 A. Well, I don't think they're fake. 14 That would be kind of hard to believe, wouldn't 15 it? I guess there's a possibility, like a 1 in 16 100 million, but I believe that I did go there, 17 but I just don't remember it.</p> <p>18 MR. FRANZ: Okay. That's all the 19 questions I have. Thanks a lot.</p> <p>20 THE WITNESS: Thank you, sir.</p> <p>21 MR. DAVIS: This is Jesse Davis. Are 22 you able to hear me, Mr. Lindegren?</p> <p>23 THE WITNESS: I am, sir.</p> <p>24 MR. DAVIS: My voice may break a 25 little bit. I've got a little bit of the cold and</p>	<p style="text-align: right;">231</p> <p>1 question make sense?</p> <p>2 A. From what I've read here in these 3 transcripts and what I remember that you guys have 4 talked to, yeah. I told you what I remember when 5 I was being interviewed earlier, and that's all I 6 can -- that's all I can go by, sir, is what I 7 remember.</p> <p>8 Q. Understood.</p> <p>9 So it looks like there's been, you 10 know, at least three occasions where you've 11 testified under oath about what you saw; right?</p> <p>12 A. I believe you're right.</p> <p>13 Q. And they may not be perfectly 14 consistent with each other; right?</p> <p>15 A. I agree.</p> <p>16 Q. Is it the case that in each instance 17 you testified truthfully as best you remembered it 18 at that time?</p> <p>19 A. Yeah.</p> <p>20 Q. And that's true for today as well?</p> <p>21 A. Yes. I'm not a bullshitter.</p> <p>22 Q. Right. And it sounds like you 23 understand or believe that you're not a 24 bullshitter, but that still your memory might be 25 different at one different time than another, and</p>
<p style="text-align: right;">230</p> <p>1 flu that's been going around, so I apologize for 2 that. I'll try to talk slowly so that we don't 3 have any trouble with the transcript, and I'll ask 4 you to do the same.</p> <p>5</p> <p>6 EXAMINATION</p> <p>7 BY MR. DAVIS:</p> <p>8 Q. Going back to your conversation with 9 Andrew Lauersdorf, what else did you guys talk 10 about during your conversation?</p> <p>11 A. He liked to come down here because he 12 liked to take his pickup out in the mud and 13 squirrel around a little bit, he told me that he 14 had a case down here with the old World War II 15 hangar at the airport here, and we might have 16 talked a little about trapping from my side, and 17 that's about all I recall, sir.</p> <p>18 Q. All right. Thank you.</p> <p>19 Returning to your transcript that 20 you've been shown today, is it accurate to say 21 that it looks like from your grand jury transcript 22 and from what you were told about your testimony 23 at the criminal trial that you've said different 24 things today than what you've said during those 25 occasions where you've testified? Does that</p>	<p style="text-align: right;">232</p> <p>1 that's why the times when you've testified might 2 not be consistent with each other?</p> <p>3 A. Correct. That's the only answer I 4 got. It's been 22 years ago.</p> <p>5 Q. Understood.</p> <p>6 And did you ever get the sense in 7 talking with any law enforcement officer that that 8 law enforcement officer was attempting to 9 influence or manipulate you in what you were going 10 to say or testify?</p> <p>11 A. I have no idea. They asked me 12 questions. I don't know the game. Could I have 13 been led? I probably could have, because I'm just 14 an old hillbilly. I ain't none all that brilliant 15 when it comes to law work. Could I have been led? 16 Yeah, probably. But did anybody outwardly try 17 anything with me? No. They would never try that. 18 Anybody try to talk me into testifying some way, I 19 would never have done it, and I would whip their 20 ass.</p> <p>21 Q. Mr. Lindegren, you broke up when you 22 spoke, but that's okay as long as the court 23 reporter was able to get your testimony --</p> <p>24 A. Yeah, she's nodding her head.</p> <p>25 I will repeat it, if you wish?</p>

John J. Lindegren

<p style="text-align: right;">233</p> <p>1 Q. That would be fine.</p> <p>2 A. Okay. Yeah. Could I have been led,</p> <p>3 yeah, probably. I'm just a darn hillbilly, you</p> <p>4 know. I ain't no law enforcement guru or no</p> <p>5 attorney guru. You know, you guys are way above</p> <p>6 my pay grade. But did anybody just come out and</p> <p>7 say, This is what we want you to say or do or</p> <p>8 anything? No, they would never say that to me.</p> <p>9 If they did, I'd whip their ass, I said.</p> <p>10 Q. Thanks, Mr. Lindegren. It sounds like</p> <p>11 it's the case that if someone asked you questions,</p> <p>12 you answer those questions truthfully and then you</p> <p>13 moved on. Is that true?</p> <p>14 A. That's correct.</p> <p>15 Q. Before last night when you met with</p> <p>16 Andrew Lauersdorf, had you had any contact with</p> <p>17 anybody on what I would describe as Mr. McGuffin's</p> <p>18 legal team, meaning, Mr. Lauersdorf or Ms. Puracal</p> <p>19 who's there with you? Did you have any</p> <p>20 conversations or contact with anybody else from</p> <p>21 their team?</p> <p>22 A. Yeah, I did. I don't know -- a woman</p> <p>23 kept sending me text messages and stuff. Ramirez</p> <p>24 maybe. And she was trying to set up a meeting.</p> <p>25 And then I contacted his law office several times</p>	<p style="text-align: right;">235</p> <p>1 am today.</p> <p>2 Q. Okay. Thank you.</p> <p>3 Before today, did you ever have any</p> <p>4 discussions with the person you described as</p> <p>5 Ms. Ramirez or anybody else? Did you ever just</p> <p>6 talk about the substance of your -- of the things</p> <p>7 you talked about today, your discussions with law</p> <p>8 enforcement back in 2000 or 2010? Did any of</p> <p>9 those discussions occur before last night?</p> <p>10 A. Nothing. No.</p> <p>11 Q. So all of those text messages or</p> <p>12 contacts with Ms. Ramirez were just about setting</p> <p>13 up times --</p> <p>14 A. Setting up dates and a place for the</p> <p>15 deposition.</p> <p>16 Q. All right. Thank you.</p> <p>17 MR. DAVIS: One moment while I take a</p> <p>18 quick look here. I don't have any more questions.</p> <p>19 Thank you.</p> <p>20 MR. LAUERSDORF: Ms. Schaffer?</p> <p>21 MS. SCHAFFER: This is Karin Schaffer.</p> <p>22 I have no questions for this witness.</p> <p>23 MR. LAUERSDORF: Let's take a break</p> <p>24 for just a second. I want to see if I have any</p> <p>25 follow-up.</p>
<p style="text-align: right;">234</p> <p>1 through her and the number and nobody ever got</p> <p>2 back to me, but I don't know if the attorney here</p> <p>3 ever got my message or not. That's the only</p> <p>4 contact.</p> <p>5 This was going to happen at the Mill</p> <p>6 Casino months ago, and then it was -- she</p> <p>7 contacted me with a text message and said it was</p> <p>8 canceled. That's the only contact I've had with</p> <p>9 any law office.</p> <p>10 Q. Okay. Thank you.</p> <p>11 And that person named Ramirez, that</p> <p>12 was a woman, you said?</p> <p>13 A. Uh-huh. Yeah. Achez (phonetic) or</p> <p>14 something. That was her name. Achaz or Chez</p> <p>15 or -- real pretty voice, but I have no idea who it</p> <p>16 is. But I called and I sent text messages trying</p> <p>17 to get a -- because I didn't want to have to drive</p> <p>18 all the way over here to North Bend, 100 miles</p> <p>19 from my house. I get four miles to the gallon in</p> <p>20 my old truck. And I wanted to set it up some</p> <p>21 other place, and we never could get together. I</p> <p>22 called this woman who was his secretary, I</p> <p>23 believe, at his law office. I sent her text</p> <p>24 messages, plus I talked to her on the phone a</p> <p>25 couple of times, but that didn't happen so here I</p>	<p style="text-align: right;">236</p> <p>1 (Recess: 3:32 p.m. to 3:33 p.m.)</p> <p>2 MR. LAUERSDORF: I don't have any</p> <p>3 follow-up, so from my perspective, we're done.</p> <p>4 (Deposition concluded at 3:34 p.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

John J. Lindegren

<p>1 State of Oregon) 2 County of Douglas) ss. 3 4 I, Denise C. Zito Smith, CSR, a 5 Certified Shorthand Reporter for the State of 6 Oregon, hereby certify that the witness was sworn 7 and the transcript is a true record of the 8 testimony given by the witness; that at said time 9 and place I reported by stenotype all testimony 10 and other oral proceedings had in the foregoing 11 matter; that the foregoing transcript consisting 12 of 236 pages contains a full, true, and correct 13 transcript of said proceedings reported by me to 14 the best of my ability on said date. 15 If any of the parties or the witness 16 requested review of the transcript at the time of 17 the proceedings, such correction pages are 18 included. 19 IN WITNESS WHEREOF, I have set my hand 20 this 18th day of January 2023, in the City of 21 Canyonville, County of Douglas, State of Oregon. 22 23  24 Denise C. Zito Smith 25 Oregon CSR No. 01-0375 25 Expires 9/30/2024</p> <hr/> <p>1 Case Name: McGuffin vs. Dannels, et al. 2 Deponent: John J. Lindegren 3 Page Line Reason Correction 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 I hereby certify that I have read the 19 deposition taken January 4, 2023, and that this 20 deposition, together with any corrections or 20 additions, is a true and accurate record of my 20 testimony: 21 22 _____ 23 Witness's Signature 24 25</p>	<p>237</p>
---	------------